

REMARKS

Claims 1-6 and 18 have been amended. Claims 10-17 and 19-37 have been canceled without prejudice. Claims 1-6 and 18 are now pending for the Examiner's consideration.

Applicants respectfully request reconsideration and withdrawal of the outstanding objections and rejections, in light of the foregoing amendments and following remarks.

The specification has been amended on page 14 to correct the chemical structure to include the Z groups on substituent Q. No new matter is added by this amendment.

Claims 1-6 and 18 have been amended to remove the word "prodrug" and to correct misspellings. In addition, claim 1 has been amended to further define "Z" to be selected from a group of preferred moieties. Support for the amendment can be found in the definition of Z on page 11 of the specification, on page 26 of the specification under (Preferred Structural Features), and in original claim 2. No new matter is added by this amendment.

Specification

The Examiner has objected to the specification by correctly pointed out an error in the chemical structure on page 14. Appropriate correction has been made. The Applicants respectfully request that the Examiner withdraw the objection to the specification.

Rejection under 35 U.S.C. § 112, second paragraph

a. Claims 1-6, 10 and 18 were rejected under 35 U.S.C. § 112, second paragraph, for the recitation of "prodrug". Applicants have amended claims 1-6 and 18 to remove the term "prodrug" and canceled claim 10. Accordingly, the rejections have been obviated in light of the amendments. The Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph be withdrawn as it pertains to "prodrug".

b. Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, for the recitation of Z representing a "polar group". Applicants have amended claim 1 to remove the term "prodrug" and further define the variable Z. Accordingly, the rejection has been obviated in light of the amendment. The Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph be withdrawn as it pertains to "polar group".

c. Claims 10-17 were rejected under 35 U.S.C. § 112, second paragraph, for the recitation of "A method for the modulation of the catalytic activity of a protein kinase..." Applicants have canceled claims 10-17. Accordingly, the rejection is moot in light of the amendments. The Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph be withdrawn as it pertains to "A method for the modulation of the catalytic activity of a protein kinase..."

d. Claims 19, 20, 21, 23, 25, 28 and 30 were rejected under 35 U.S.C. § 112, second paragraph, for the recitation of "A method for treating or preventing a protein kinase related

disorder..." Applicants have canceled claims 19, 20, 21, 23, 25, 28 and 30. Accordingly, the rejection is moot in light of the amendments. The Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph be withdrawn as it pertains to "A method for treating or preventing a protein kinase related disorder..."

Rejection under 35 U.S.C. § 112, first paragraph

a. Written Description for "prodrug": Claims 1-6 and 10-37 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement because of the recitation of the term "prodrug". Applicants have amended claims 1-6 and 18 to remove the term "prodrug" and canceled claims 10-17 and 19-37. Accordingly, the rejections have been obviated in light of the amendments. The Applicants respectfully request that the rejection under 35 U.S.C. § 112, first paragraph be withdrawn as it pertains to "prodrug".

b. Written Description for a tricyclic system: Claims 1-6 and 10-37 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement because of the recitation of the clause "R³ and R⁴, R⁴ and R⁵,...may combine to form a six-member aryl or heteroaryl ring." Applicants have amended claim 1 to remove the clause "R³ and R⁴, R⁴ and R⁵,...may combine to form a six-member aryl or heteroaryl ring" and canceled claims 10-17 and 19-37. Accordingly, the rejections have been obviated in light of the amendments. The Applicants respectfully request that the rejection under 35 U.S.C. § 112, first paragraph be withdrawn as it pertains to the clause "R³ and R⁴, R⁴ and R⁵,...may combine to form a six-member aryl or heteroaryl ring."

c. Scope of Enablement: Claims 10-17 and 19-37 were rejected under 35 U.S.C. § 112, first paragraph for lack of enablement. Applicants have canceled claims 10-17 and 19-37. Accordingly, the rejection is moot in light of the amendments. The Applicants respectfully request that the rejection under 35 U.S.C. § 112, first paragraph for lack of enablement be withdrawn.

Double Patenting

Claims 1-3, 10-26, 28 and 29 were rejected under the judicially created doctrine of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 8, 9, 11 and 12 of U.S. Patent No. 6,465,507 B2. The Applicants have filed herewith a terminal disclaimer against U.S. Patent No. 6,465,507 B2 to overcome the rejected under obviousness-type double patenting. The Applicants respectfully request that the rejection under obviousness-type double patenting.

Conclusion

Applicants respectfully submit that all claims are in condition for allowance. Accordingly, early Notice of Allowance is respectfully requested. If there are any issues that have not been addressed to the Examiners satisfaction, Applicants invite the Examiner to contact the undersigned agent.

If any fees other than those submitted herewith are due in connection with this response, including the fee for any required extension of time (for which Applicants hereby petition), please charge such fees to Deposit Account No. 500329.

Respectfully submitted,

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/Vincent P. Liptak/
Vincent P. Liptak
Agent For Applicants
Registration No. 53,225

Agouron Pharmaceuticals, Inc./A Pfizer Company
Patent Department
10777 Science Center Drive
San Diego, California 92121
Phone: (858) 622-7908
Fax: (858) 678-8233